

Message Text

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SUBJECT: HUMAN RIGHTS TEXT FOR CONGRESSIONAL PRESENTATION

1. BELOW IS TEXT DEPARTMENT WILL PRESENT TO CONGRESS RE
HUMAN RIGHTS SITUATION IN HONDURAS:

"I. POLITICAL SITUATION:

THE PRESENT GOVERNMENT OF HONDURAS, HEADED BY GENERAL
JUAN MELGAR CASTOR, TOOK POWER IN APRIL 1975. SINCE THE
1972 COUP, POLITICAL POWER IN HONDURAS HAS BEEN EXERCISED
BY THE MILITARY, THE LEGISLATURE HAVING SUSPENDED AND
POLITICAL PARTIES ELIMINATED FROM EFFECTIVE PARTICIPATION
IN POLITICAL LIFE. OTHER PROVISIONS OF THE 1965
CONSTITUTION REMAIN IN EFFECT AND CITIZENS GENERALLY
ENJOY EXTENSIVE CIVIL RIGHTS.

"THE FINAL POLITICAL ARBITER IN HONDURAS IS THE SUPERIOR
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DEFENSE COUNCIL, A GROUP OF 27 OFFICERS, WHICH DETERMINES
OVERALL GOVERNMENTAL POLICIES. INTEREST GROUPS SUCH AS
TRADE UNIONS, PEASANT FEDERATIONS AND PRIVATE SECTOR ORGANI-
ZATIONS HAVE SIGNIFICANT IMPACT UPON POLICY CONSIDERATIONS.
IN HIS 1976 NEW YEAR'S DAY ADDRESS MELGAR ANNOUNCED THE

CREATION OF AN ADVISORY COUNCIL TO MAKE RECOMMENDATIONS FOR A RETURN TO A FULLY CONSTITUTIONAL GOVERNMENT, PERHAPS BY 1979. CURRENTLY, THE ADVISORY COUNCIL IS PURSUING THE TASK OF DRAFTING AN ELECTORAL AND POLITICAL INSTITUTIONS LAW.

"II. LEGAL SITUATION

TITLE III OF THE 1965 CONSTITUTION PROVIDES FOR A BROAD RANGE OF INDIVIDUAL RIGHTS INCLUDING MOST OF THOSE EMBODIED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THE RIGHTS OF FREEDOM, EQUALITY BEFORE THE LAW, INDIVIDUAL SAFETY AND THE INVIOABILITY OF LIFE ARE GUARANTEED. THE CONSTITUTION MAY BE SPECIFICALLY OVERRIDDEN HOWEVER, BY A DECREE OF THE COUNCIL OF MINISTERS BUT ACTION

ACTUALLY CONTRAVENING THE CONSTITUTION HAS NEVER TAKEN PLACE TO-DATE, AS FAR AS WE ARE AWARE.

"THE SUPREME COURT AND THE JUDICIAL SYSTEM CONTINUE TO FUNCTION AS THEY DID BEFORE THE 1972 COUP.

"OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON IS GENERALLY RESPECTED, ALTHOUGH IN RURAL AREAS, THERE HAVE BEEN INSTANCE OF VIOLATION OF THIS RIGHT, AS IN OLANCHO IN 1975 WHEN SEVERAL PEASANTS AND UNCLASSIFIED

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TWO PRIESTS WERE KILLED.

ARTICLE 5: ABUSES OCCUR BUT THE INDICATIONS OF MIS-TREATMENT ARE ISOLATED, NOT CONSTITUTING AN OFFICIALLY CONDONED SYSTEMATIC PATTERN OF INHUMAN TREATMENT.

ARTICLE 8: THE JUDICIAL SYSTEM IN HONDURAS IS NOT AS EFFECTIVE AS IN DEVELOPED DEMOCRACIES AND REFORM OF ITS ADMINISTRATION IS AN OBJECTIVE OF THE SUPREME COURT'S CHIEF JUSTICE. EASE OF ACCESS TO LEGAL REDRESS OF GRIEVANCES VARIES ACCORDING TO THE SOCIO-ECONOMIC OR POLITICAL STANDING OF THE INDIVIDUAL.

ARTICLE 9: ARBITRARY DETENTION FOR POLITICAL REASONS IS RARE AND WE KNOW THERE ARE NO POLITICAL PRISONERS IN THE COUNTRY.

A ARTICLE 10: HONDURAN LAW PROVIDES FOR AN ARRAIGN-

MENT HEARING SHORTLY AFTER ARREST AND THIS APPEARS TO BE THE RULE IN MOST CASES. THERE APPEAR TO BE NO DELIBERATE VIOLATIONS OF THIS LAW ALTHOUGH HEARINGS MAY SOMETIMES BE DELAYED DUE TO ADMINISTRATIVE INEFFICIENCY.

ARTICLE 11: TRIALS ARE REGARDED AS REASONABLY FAIR AND THE OVERALL JUDICIAL SYSTEM IS RESPONSIBLY HANDLED, IN GENERAL.

A ARTICLE 13: EXILE IS NOT EMPLOYED AS A PUNISHMENT, ALTHOUGH SOME OPPOSITION POLITICAL FIGURES AND MEMBERS OF FORMER REGIMES HAVE GONE INTO VOLUNTARY EXILE.

B. OTHER IMPORTANT FREEDOMS

THERE IS LITTLE EVIDENCE OF DISCRIMINATION BASED ON RELIGION OR RACE, ALTHOUGH SOCIAL DISTINCTIONS DO AFFECT THE JUDICIAL SYSTEM. FREEDOM OF MOVEMENT IS UNCLASSIFIED

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VIRTUALLY UNRESTRICTED. TEMPORARY RESTRICTIONS HAVE BEEN PLACED ON TRAVEL IN TROUBLED AREAS. OTHERWISE, HONDURANS HAVE BEEN FREE TO TRAVEL WITHIN THE COUNTRY AND TO GO ABROAD.

THERE IS EXTENSIVE FREEDOM OF RELIGION, OPINION AND EXPRESSION. THE MEDIA ARE FREE TO CRITICIZE THE GOVERNMENT AND EXERCISE THIS FREEDOM ON A WIDE RANGE OF ISSUES. ALTHOUGH POLITICAL PARTIES ARE PERMITTED TO CONDUCT INTERNAL ELECTIONS AND TO PUBLICIZE THEIR DECLARATIONS AND STATEMENTS (WHICH ARE OFTEN CRITICAL OF THE GOVERNMENT), FREEDOM OF ASSEMBLY IS LIMITED IN THAT THE PARTIES HAVE BEEN FORBIDDEN TO CARRY OUT PUBLIC DEMONSTRATIONS.

"IV. OTHER HUMAN RIGHTS REPORTING

THE AMNESTY INTERNATIONAL REPORT ON TORTURE, PUBLISHED IN 1973, STATED THAT NO SPECIFIC ALLEGATIONS OF TORTURE IN HONDURAS HAD BEEN RECEIVED, BUT ADDED THAT "WE HAVE BEEN INFORMED THAT BRUTAL TREATMENT IS COMMON AFTER ARREST."

THE AMNESTY INTERNATIONAL REPORT 1975-1976 STATED THAT "PRISONERS ARRESTED DURING A CONTINUING AGRARIAN CRISIS HAVE BEEN THE FOCUS OF AMNESTY INTERNATIONAL'S ACTION ON HONDURAS IN THE PAST YEAR." THE REPORT NOTED THAT PEASANT SQUATTING ON UNUSED BUT CULTIVABLE LAND HAD "LED TO MASSIVE ARRESTS AS WELL AS VIOLENT VIGILANTE COUNTERACTION BY LANDLORDS OF THE LARGE ESTATES AND THEIR

ARMED GUARDS." THE REPORT ASSERTED THAT THE CRISIS REACHED ITS PEAK IN OLANCHO PROVINCE IN JUNE 1975, RESULTING IN THE DEATH OF A NUMBER OF PEASANT LEADERS AS WELL AS THE MURDER OF SEVERAL OTHERS, PLUS AN AMERICAN PRIEST, FOLLOWING DETENTION. IN JULY AMNESTY INTERNATIONAL WROTE TO PRESIDENT MELGAR TO EXPRESS CONCERN OVER THE KILLINGS AND THE APPARENT FAILURE OF THE AUTHORITIES TO INVESTIGATE. AMNESTY ALSO WROTE TO ALL MEMBERS OF THE HONDURAN CABINET. IN DECEMBER 1975 AMNESTY WROTE AGAIN TO PRESIDENT MELGAR, TO EXPRESS RECOGNITION OF THE GOVERNMENT'S EFFORTS TO RESOLVE THE AGRARIAN CRISIS, INCLUDING THE FREEING OF THE PEASANT LEADERS AND THE PROSECUTION OF THOSE RESPONSIBLE FOR THE OLANCHO AFFAIR. IN MAY 1976 AN AMNESTY MISSION TO HONDURAS "ENJOYED THE FULL COOPERATION OF THE GOVERNMENT."

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"THE INTER-AMERICAN HUMAN RIGHTS COMMISSION'S ANNUAL REPORT FOR 1975 RECORDED DEVELOPMENTS RELATING TO A 1972 COMMUNICATION DENOUNCING THE DEATH, IN 1972, OF SEVERAL AGRICULTURAL WORKERS AND THE ARBITRARY ARREST OF OTHERS BELONGING TO THE PEASANT LEAGUE.

"FREEDOM HOUSE LISTS HONDURAS AS "PARTIALLY FREE."
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